

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**ANTHONY SMITH**

§

**VS.**

§ **CIVIL ACTION NO. 5:05cv114**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

§

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. In two pages of objections, Plaintiff asserts (1) the Administrative Law Judge's ("ALJ") residual functional capacity assessment was not consistent with the evidence; (2) the ALJ did not properly evaluate Plaintiff's credibility; (3) the ALJ did not follow the dictates of *Cook v. Heckler*, 750 F.2d 391, 393 (5th Cir. 1985); (4) Plaintiff has a severe impairment which is a disabling impairment; and (5) no vocational expert was called to testify in this matter.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report

of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly,  
it is hereby

**ORDERED** that the above-entitled Social Security action is **AFFIRMED**.

**SIGNED this 1st day of September, 2006.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE